

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**JAMES A. SMITH and  
JEANETTE H. SMITH,**

**Plaintiffs**

**V.**

**2:05CV1198-T**

**KANSAS CITY LIFE INSURANCE COMPANY,  
GUIDE ONE INSURANCE COMPANY, THE  
GUIDANT INSURANCE GROUP, GUIDANT  
LIFE INSURANCE COMPANY, PREFERRED  
RISK LIFE INSURANCE COMPANY, ANNE F.  
WATKINS, JIM McCAFERTY , et.al.,**

**Defendants**

**REPORT OF PARTIES' PLANNING MEETING**

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on January 4, 2006, and was attended by:

Donald R. Jones, Jr., for Defendants  
Lynn W. Jinks for Plaintiffs

2. Plaintiffs' indicate their intention to file a Motion to Remand this action to State Court.

3. Pre-Discovery Disclosures. The parties will exchange by March 1, 2006 the information required by Rule 26(a)(1).

4. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects:

- A. The policy of insurance and the transaction that is the subject of this action.

B. The policies and procedures of the defendants regarding the design of and marketing of life insurance policies.

All discovery commenced in time to be completed by November 1, 2006.

Maximum of 30 interrogatories by each party to any other party. Responses due 30 days after service.

Maximum of 25 requests for admission by each party to any other party. Responses due 30 days after service.

Maximum of 10 depositions by plaintiff and 10 by defendants.

Each deposition is limited to a maximum of 3 hours unless extended by agreement of parties.

Reports from retained experts under Rule 26 due:

From plaintiff by August 1, 2006.

From defendants by September 1, 2006.

Supplementations under Rule 26(e) due October 1, 2006.

5. Other items.

The parties do not request a conference with the Court before entry of the scheduling order.

Plaintiff should be allowed until September 15, 2006 to amend the pleadings.

Defendants should be allowed until October 1, 2006 to join additional parties and until October 1, 2006 to amend the pleadings.

All potentially dispositive motions should be filed by November 15, 2006.

Settlement cannot be realistically evaluated prior to November 1, 2006.

Final lists of witnesses and exhibits under Rule 26(a)((3) should be due from plaintiff by 30 days prior to trial.

From defendants by 30 days prior to trial.

Parties to have 10 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

The case should be ready for trial by December 1, 2006 and at times is expected to take approximately three (3) day(s).

/s/ Lynn W. Jinks, III  
Attorney for Plaintiff

OF COUNSEL:  
JINKS, DANIEL & CROW, P.C.  
P.O. Box 350  
Union Springs, AL 36089  
Telephone: (334) 738-4225  
Facsimile: (334) 738-4229

/s/ Donald R. Jones, Jr.  
Attorney for Defendants

OF COUNSEL:  
DONALD R. JONES, JR., P.C.  
2000 Interstate Park Drive, Suite 104  
Montgomery, AL 36109  
Telephone: (334) 277-3939  
Facsimile: (334) 277-3772